

Charter of the Village of Georgetown, Ohio



June 24th, 2020 **Draft**

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PREAMBLE

We, the people of the Village of Georgetown, in the County of Brown and the State of Ohio, in the spirit of our rich history and the promise of a vibrant future, do adopt this Charter for the self-government of this municipality, securing our rights to home rule and preserving our values for generations to come.

ARTICLE I: NAMES, BOUNDARIES AND FORM OF GOVERNMENT

SECTION 1.01 NAME

The Municipality now existing in the County of Brown, State of Ohio, and known as the Village of Georgetown, shall continue to be a body politic and corporate. If the Municipality shall, under the laws of Ohio, become a City, it shall retain the name of “The Village of Georgetown”, regardless of the population status. The provisions of this Charter shall apply whether this Municipality is a Village or a City.

SECTION 1.02 BOUNDARIES

The Municipality of Georgetown shall have the same boundaries as now exist, but with the power and authority to change its boundaries and annex other territory in the manner authorized by the laws of Ohio.

SECTION 1.03 FORM OF GOVERNMENT

The form of government provided in this Charter shall be known as a Council, Mayor-Administrator cooperative form of government. The powers and functions of the Municipal Government shall be distributed among its citizens, the Municipality, and the various offices, bodies, boards and commissions as provided in this Charter.

ARTICLE II: INCORPORATION AND POWERS

SECTION 2.01 INCORPORATION

The present Municipality, as its limits are now or may hereafter be established, shall be and continue to be a municipal corporation of Ohio in perpetuity.

SECTION 2.02 POWERS

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the laws of Ohio.

SECTION 2.03 MANNER OF EXERCISING POWERS

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such a manner as shall be provided by ordinance of Council or if Council has not so provided, then such powers shall be exercised in the manner provided by the laws of Ohio.

SECTION 2.04 CONSTRUCTION

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. As used in this Charter, unless the context otherwise requires, the singular includes the plural; and the plural includes the singular; words in the present tense include the future; and the term “laws of Ohio” includes the Constitution and Statutes of the State of Ohio.

ARTICLE III: COUNCIL

SECTION 3.01 COMPOSITION AND TERMS

The Council shall consist of six members, elected at large and on a nonpartisan ballot for a term of four years beginning on the first day of January next following their election. Three members of the Council shall be elected at the regular Municipal election in the year 2021 and every fourth year thereafter, and three members of the Council shall be elected at the regular Municipal election in the year 2023 and every fourth year thereafter.

SECTION 3.02 QUORUM

A quorum for Council and for any of its committees and any board established by this Charter shall consist of a majority of the members of that body, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules, regulations and bylaws of the Council. The term “by majority vote” shall mean a majority of the quorum present.

SECTION 3.03 ORGANIZATION

In January of each year, Council shall organize and elect one of its members to serve as President of Council.

SECTION 3.04 PRESIDENT OF COUNCIL

The President of Council shall act as presiding officer of the Council in the absence or incapacity of the Mayor and during such absence or incapacity, shall exercise all the powers and duties granted the Mayor by this Charter. While presiding over special or regular meetings of Council, the President of Council may vote upon all matters coming before the Council, but in no event shall the President of Council, in such person's dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the President of Council shall become Mayor for the unexpired term, and Council shall elect a successor from among the membership of Council to the office of President of Council for that unexpired term.

SECTION 3.05 POWERS AND DUTIES

Except as provided in this Charter or the laws of Ohio, all legislative powers of the Municipality shall be vested in the Council. Without limitations of the general powers herein before stated, Council shall:

- (A) Originate, introduce and pass ordinances and adopt resolutions.
- (B) Appoint or discharge officers of the Municipality as called for in this Charter.

- (C) Fix the number and salary ranges of all officers and employees of the Municipality whether elected or appointed.
- (D) Require and fix bond for the faithful discharge of the duties of office by officers and employees of the Municipality. The premium of any bond required by the Council shall be ordered by the Council to be paid by the Municipality.
- (E) Adopt an annual appropriation ordinance based upon the annual budget in the manner set forth in the laws of Ohio.
- (F) Have the power to make investigations into the affairs of the Municipality and the conduct of any Municipal Department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require production of evidence.
- (G) Have the power to levy taxes and incur debts **as set forth in the laws of Ohio**.
- (H) Have the power to adopt and to provide for the enforcement of local Police, Fire and EMS, Sanitary and other similar regulations as are not in conflict with laws of Ohio.
- (I) Have the power to provide for the exercise of all powers of local self-government granted to the Municipality by the laws of Ohio in a manner consistent with this Charter.
- (J) Exercise all other powers granted to the Council by this Charter and by the laws of Ohio.

SECTION 3.06 REMOVAL

The Mayor and Council shall be the sole judges of the qualifications of the members of Council. By two-thirds vote of the Council and the Mayor inclusive, the Council and the Mayor may expel or remove any member of Council for failure to meet or maintain qualification of office, for violation of this person's oath of office, or conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Any such action taken by the Council and Mayor shall be of immediate effect. Charges may be brought against a member of Council by the Mayor and one Council member or by any two members of Council who notify the accused member in writing of the charge against that member. The Mayor and Council shall consider the charge at a public meeting which shall occur not less than fifteen days after written notice is delivered to the accused member of the charges. If the accused member cannot be located after reasonable effort, written notice of the charges and the date, time and location of the public meeting to be held by the Mayor and Council to consider the charges shall be provided by public notice in accordance with Section 12.07 of this Charter. The meeting shall be held not earlier than seven days after the date of the last publication. The accused member may be represented by an attorney and shall have the opportunity to be heard, present evidence, and examine under oath any witnesses. The accused member shall not vote on any matters relating to the charges or the removal of that member. If removed, a council member could not be appointed by council but may run for election after four years.

SECTION 3.07 VACANCIES

When a seat of Council becomes vacant, the vacancy shall be filled with a qualified person for the unexpired term by a majority vote of the remaining members of Council. If that vacancy is not so filled within thirty days after the next meeting, the Mayor shall fill it by appointment;

such appointment by the Mayor shall not then require approval by Council. If more than two and a half years remain in the term, the appointee is required to run in the next municipal election for the remainder of the unexpired term.

SECTION 3.08 QUALIFICATIONS

Each Council member shall have been a continuous resident and qualified elector of the Municipality for at least one year immediately prior to election and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office, including School Board; provided that Council members shall not be prohibited from holding an elected or appointed political party position, being a notary public or a member of the National Guard or a member of the reserve armed forces of the United States. A member of Council shall forfeit his or her office if he or she shall be absent for four regular meetings per year, except where a majority of the members present at that meeting or of the other members present at a subsequent meeting have excused the absence. Absence due to military service shall always be excused.

Any member of Council who shall cease to possess, or who shall violate, any of the qualifications herein enumerated may be removed from such office, but failure to maintain said qualifications shall not render void or ineffective any actions of Council in which such member participated.

SECTION 3.09 RULES AND JOURNAL

The Council shall adopt its own rules, regulations or by-laws insofar as they are not set forth in this Charter. The public shall have a reasonable opportunity to be heard at each meeting under such rules as the council shall prescribe. Such time will be set aside on the meeting agenda.

The Council shall keep a journal of all of its proceedings. The journal, as well as all legislative actions and final reports, shall be open for public inspection during the Municipality's office hours and available online 24 hours/day, posted within ten business days of approval.

All other legislative actions and financial reports will also be made available for public inspection as specified by the laws of Ohio.

SECTION 3.10 CLERK OF COUNCIL

The Clerk of Council shall be appointed by the Mayor with the advice and consent of Council by two-thirds of its membership. The Clerk of Council shall attend meetings of Council and keep a record of its proceedings, and of all rules, bylaws, resolutions and ordinances passed or adopted, which record shall be subject to the inspection of all persons interested. The Clerk may perform such other duties as may be assigned by this Charter or by ordinance. The Clerk may be a person having employment or appointment with the Municipality.

SECTION 3.11 COUNCIL MEETINGS

No less than one regular meeting of Council shall be held each month. All meetings of Council shall be open to the public, except as allowed by the laws of Ohio and as Council may provide by ordinance for matters declared in such ordinance to require confidentiality.

SECTION 3.12 RELATION OF COUNCIL TO ADMINISTRATION

The Council and its members shall deal solely through the Administrator or Mayor with respect to any part of the administration of the affairs of the Municipality which are within the scope of the powers, duties and responsibilities of the Administrator.

ARTICLE IV: MAYOR

SECTION 4.01 ELECTION AND TERM OF OFFICE

The individual elected to the office of Mayor under the general statutory plan of government for villages at the November, 2019 regular Municipal election shall continue to serve as Mayor under this Charter through December 31, 2023.

The Mayor shall be a qualified elector of the Municipality and shall be elected on a nonpartisan ballot by the voters of the Municipality at municipal elections beginning 2023, and every fourth year thereafter, for a term of four years. This term shall commence on the first day of January following each election.

SECTION 4.02 POWERS AND DUTIES

- (A) *Executive Powers:* The Mayor is the Chief Executive of the Municipality, and shall:
- (1) Supervise the administration of the Municipality's affairs and all departments and divisions thereof, except Council;
 - (2) Exercise control over the affairs of the Police, Solicitor, Engineer, and Fire and EMS departments as outlined in Section 5.05;
 - (3) Be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein;
 - (4) Recommend to Council such ordinances, resolutions, or other measures as are deemed necessary or expedient for the welfare of the Municipality and shall keep Council advised of the condition and future of the Municipality;
 - (5) Act as the head of the Municipal government for all official ceremonial purposes, and shall have authority to perform marriages and to act as the executive head of the government for purposes of military law and as designated by the Governor;
 - (6) Sign, on behalf of the Municipality, all contracts between the Municipality and the Fire and EMS Chief, the Police Chief, the Solicitor, the Engineer or the Administrator contemplated or authorized by Section [5.05](#) hereof;
 - (7) Perform such other duties as are conferred or required by this Charter or by any ordinance or resolution of the Council or by the laws of Ohio.
- (B) *Legislative Powers:* The Mayor shall:
- (1) Preside over and attend all meetings of Council, but shall not be considered a member of Council. The Mayor shall have no vote in the proceedings of Council, except in case of a tie vote or such other times when a vote of two-thirds of Council and the

Mayor inclusive is required thereunder. The Mayor shall be an ex officio member of all committees created by Council and shall, at the annual organizational meeting of Council, submit recommendations for Council members to serve on committees of Council.

(2) Have no veto power over matters considered by the Council.

(C) *Judicial Powers.* The Mayor shall appoint the magistrate for Mayor's Court.

SECTION 4.03 QUALIFICATIONS

The Mayor shall have been a continuous resident and qualified elector of the Municipality for at least one year immediately prior to election and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, the Mayor shall not hold any other compensated office or position of employment with the Municipality, nor shall the Mayor hold any other compensated elected public office, including School Board; provided that the Mayor shall not be prohibited from holding an elected or appointed political party position, being a notary public or a member of the National Guard or a member of the reserve armed forces of the United States. The Mayor shall forfeit his or her office if he or she shall be absent for four regular meetings per year, except where Council has excused the absences. Absence due to military service shall always be excused.

If the Mayor ceases to possess, or shall violate, any of the qualifications herein enumerated, the Mayor may be removed from such office, but failure to maintain said qualifications shall not render void or ineffective any actions of Council in which the Mayor participated.

SECTION 4.04 REMOVAL

The Mayor will remain in office unless status or position changes whereby the Mayor no longer meets the qualifications of the office as enumerated in Section 4.03 hereof, whereupon he or she shall resign from the office of Mayor.

Council may, by a vote of five members, remove the Mayor for failure to meet or maintain the qualifications of office, for violations of the Mayor's oath of office, or conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council.

Charges may be brought by any two members of Council who shall notify the Mayor in writing of such charge. Council shall consider the charges at a public meeting which shall occur not less than fifteen days after written notice is delivered to the Mayor of the charges. If the Mayor cannot be located after reasonable effort, written notice of the charges and the date, time and location of the public meeting of Council to consider the charge shall be provided by public notice pursuant to section 12.07. Notification shall include the date of the meeting when Council shall consider the charges. The meeting shall be held not earlier than seven days after the date of the last publication of the notice of the meeting. The Mayor may be represented by an attorney and shall have the opportunity to be heard, present evidence, and

examine under oath witnesses. The Mayor shall not vote on any matters dealing with the charges or removal of the Mayor.

If removed, the Mayor could not be appointed by council to any position, but may run for election after four years.

SECTION 4.05 VACANCIES

In the event that the office of Mayor shall become vacant, the President of Council shall become Mayor for the unexpired term, and Council shall elect a successor from among the membership of Council to the office of President of Council for that unexpired term.

ARTICLE V: ADMINISTRATOR

SECTION 5.01 APPOINTMENT

The Administrator shall be appointed in accordance with Section 5.05 hereof. The Administrator need not be a resident of the Municipality or the State at the time of appointment, but shall be encouraged, after appointment, to reside within the Municipality. The Administrator shall be appointed based on their executive and administrative qualifications.

SECTION 5.02 ACTING ADMINISTRATOR

In the event of a temporary absence, the Mayor would assume the duties of the Administrator unless an Acting Administrator is appointed. The Mayor may appoint with two-thirds Council approval, a qualified administrative officer from the Municipality or other person suitably qualified to exercise powers and duties of the Administrator during temporary absence, disability or suspension or when a vacancy occurs.

SECTION 5.03 COMPENSATION

Council shall fix the salary of the Administrator.

SECTION 5.04 RESPONSIBILITIES

The Administrator shall be responsible to the Mayor for the Administration of all municipal affairs placed in the Administrator's charge by this Charter and Council. The responsibilities of the Administrator shall include, but are not limited to, the following. The Administrator shall:

- (A) Direct and supervise the administration of all Municipal functions except Fire and EMS, Police, Engineer, Solicitor and as otherwise provided by this Charter.
- (B) Attend Council meetings and shall have the right to take part in discussion, but may not vote.
- (C) Formulate and arrange, in concert with the Mayor, contracts, franchises and agreements, and may sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given, except as provided in Section 5.05 hereof; and be the purchasing agent for all Municipal Departments, Offices, Divisions, Boards, and Commissions, and make contracts, purchase supplies and materials and provide labor for any work that relates to the Administrator's area of responsibility.

- (D) Work with the Mayor, Council, Boards, and Commissions to assist in the long and short term planning needs of the community.
- (E) Assist in the preparatory, operational and special budgets which give guidance to the Mayor, Council and organizational staff; assist the Fiscal Officer in preparing and submitting the annual budget, capital programs, and appropriation ordinance to the Mayor and Council.
- (F) Develop personnel to assure that they are trained to perform duties assigned to them; require that safety rules and practices are enforced to ensure that the personal well being of the employee is protected. All new positions must be authorized by Council.
- (G) Make reports as Council and the Mayor may require concerning the operations of Municipal Departments, Offices and Agencies.
- (H) Perform such other duties as are specified in this Charter, by the Mayor, or by ordinances, resolutions, rules or regulations promulgated from time to time by Council.

SECTION 5.05 PERSONNEL

The Administrator shall appoint, supervise, promote, discharge and discipline all employees of the Municipality except that:

- (A) The Mayor shall supervise and discipline the Fire and EMS Chief, Chief of Police, and may, with the approval of Council by a vote of two-thirds of its members, discharge the Solicitor, the Fire and EMS Chief, Engineer, and Chief of Police. The Mayor shall appoint the Solicitor, Fire and EMS Chief, Engineer, and Chief of Police; each such appointment shall be subject to the approval of Council by a vote of two-thirds of its members. In the event that any of these positions become vacant, the Mayor shall appoint an individual to act as interim Solicitor, Fire and EMS Chief, Engineer or Chief of Police until the Mayor and Council shall duly appoint a successor.
- (B) The Administrator shall supervise the appointed Fiscal Officer, but the Mayor and Council shall discipline the Fiscal Officer.
- (C) The Mayor shall supervise and discipline the Administrator, but appointment or recommended termination of the Administrator shall be subject to the approval of Council by a vote of two-thirds of its members. Without the recommendation of the Mayor, the Council may remove the Administrator by a vote of five council members. The Administrator shall serve pursuant to the terms of an employment contract between the Municipality and the Administrator, provided that any such contract entered into between the Municipality and an Administrator on or after January 1, 2021 shall be subject to the approval of Council by two-thirds of its members.

ARTICLE VI: FISCAL OFFICER

SECTION 6.01 APPOINTMENT

Upon recommendation of the Mayor, a Fiscal Officer shall be appointed by a vote of two-thirds of the members of Council. The Fiscal Officer need not be a resident of the Municipality or the State at the time of appointment, but shall be encouraged, after appointment, to reside within the Municipality.

SECTION 6.02 ACTING FISCAL OFFICER

Upon recommendation of the Mayor, Council may appoint, by a two-thirds vote of its members, a person suitably qualified to exercise the powers and duties of the Fiscal Officer during this person's temporary absence, disability or suspension or when a vacancy occurs.

SECTION 6.03 RESPONSIBILITIES

The Fiscal Officer shall:

- (A) Be responsible to the Administrator for the administration of all Municipal financial affairs placed in this person's charge by the Administrator, this Charter, or the Mayor and Council; perform the duties and functions now or hereafter given to City Auditors and Treasurers under the laws of Ohio to the extent those laws are not in conflict with this Charter.
- (B) Prepare and submit appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the financial affairs and status of the Municipality as requested by the Mayor or Council; and provide full and complete information and assistance concerning the finances of any office, Department, Board or Commission of the Municipality as requested by the Mayor, Council, or Administrator.
- (C) Perform such other duties as may be prescribed by Council not inconsistent with the provisions of this Charter or the laws of Ohio.

SECTION 6.04 COMPENSATION

Council shall fix the salary of the Fiscal Officer.

SECTION 6.05 REMOVAL

The Administrator shall supervise the Fiscal Officer, but discipline or, upon recommendation by the Mayor, termination of the Fiscal Officer shall be subject to the approval of Council by a vote of two-thirds of its members. Without the recommendation of the Mayor, the Council may remove the Fiscal Officer by a vote of five council members in favor of removal. The Fiscal Officer shall serve pursuant to the terms of an employment contract between the Municipality and the Fiscal Officer, provided that any such contract entered into between the Municipality and a Fiscal Officer on or after January 1, 2021 shall be subject to the approval of Council by two-thirds of its members.

ARTICLE VII: ORDINANCES, RESOLUTIONS AND MOTIONS

SECTION 7.01 PROCEDURES

All procedural matters relating to the legislative activities of Council shall be determined by Council by two-thirds vote of its members. Until such time as Council establishes such a rule or rules, the procedure for enactment of legislation shall be as provided by the laws of Ohio applicable to Municipalities which have not adopted a Charter or a plan of government under the laws of Ohio.

ARTICLE VIII: ADMINISTRATIVE DEPARTMENTS

SECTION 8.01 CREATION OF DEPARTMENTS

For the purpose of implementing the functions of the Municipality, Council may establish such departments, divisions, and/or bureaus as it deems necessary and distribute among them the work of the departments of the Municipality as provided in this Charter and as provided by the Mayor and Council.

SECTION 8.02 POLICE AND FIRE AND EMS PROTECTION

The Mayor and Council shall provide for Police and Fire and EMS protection adequate to the needs of the Municipality to be administered by the Mayor in accordance with the directives of Council and, in areas where the Mayor and Council have not acted, in accordance with this Charter and the laws of Ohio.

SECTION 8.03 ENGINEER

The Mayor and Council shall provide by contract for engineering services for the Municipality for such purposes, and upon such terms as it deems necessary. Any engineer or engineering firm so engaged shall be known as the Village Engineer.

SECTION 8.04 SOLICITOR

The Solicitor shall be admitted to the practice of law in the State of Ohio. The Solicitor shall be legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Mayor and Council. The Solicitor shall represent the Municipality in all proceedings in Court or before any administrative body. Council may retain special or assistant counsel to represent the Municipality as may be required or necessary. The Solicitor shall perform other duties consistent with the office, or as may be required by this Charter, ordinance or resolution of the Council, or by the laws of Ohio not inconsistent with this Charter.

SECTION 8.05 OTHER DEPARTMENT HEADS

Until such time as a department head is appointed, all departments, except Police, Fire and EMS, Fiscal Officer, and Solicitor shall be headed by the Administrator unless provided otherwise by the Mayor and Council.

SECTION 8.06 ADMINISTRATIVE CODE

Subject to the provisions of this Charter, and after consultation with the Administrator, Council shall adopt by ordinance an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit, and determine the administrative procedures to be followed. Council may delegate by ordinance to the Administrator and the Administrator to the Department Heads power to develop procedures and implement management practices consistent with the administrative code. Amendments to and revisions of the administrative code shall be made by the Council only after consultation with the Administrator. Where the administrative code is silent, the officers and employees of the municipality shall have and may exercise all powers and duties provided for similar officers and employees by the laws of Ohio.

ARTICLE IX: BOARDS AND COMMISSIONS

SECTION 9.01 CREATION AND TERMINATION

Council shall, by a simple majority vote of members present, create, oversee, modify or terminate any board, committee, commission or agency as deemed necessary for the public good.

SECTION 9.02 APPOINTMENTS

The Mayor shall recommend appointment or removal of any member of a board, committee, commission or agency. Council shall vote, **by a simple majority vote of members present**, to approve the appointment or removal of any member of a board, committee, commission or agency. This rule shall apply to any board, committee, commission or agency created prior the creation of this charter.

SECTION 9.03 MEMBER TERMS

The Mayor shall define the length of terms for any member of a board, committee, commission or agency and such term shall be approved or disapproved by a vote of Council.

SECTION 9.04 DUTIES

The Mayor shall define the purpose and function of any board, committee, commission or agency. Council shall by a vote approve or disapprove the purpose and function of any board, committee, commission or agency.

SECTION 9.05 OPEN MEETINGS OF BOARDS AND COMMISSIONS

All meetings of any board, committee, commission or agency shall be open to the public, except as allowed by the laws of Ohio and as Council may provide by ordinance for matters declared in such ordinance to require confidentiality.

ARTICLE X: FINANCE

SECTION 10.01 GENERAL

The laws of Ohio relating generally to budgets, appropriations, debts, bonds, assessments, deposits and investment of funds and other fiscal matters of the municipality shall be applicable except as otherwise provided by this Charter or by the Mayor and Council.

SECTION 10.02 CONTRACTING PROCEDURES

Unless provided otherwise by the Council, the Administrator or the Mayor shall act as the purchasing agent and contracting officer for the Municipality with authority to award and execute contracts as provided by Council. Unless Council provides otherwise, contracting procedures shall be in accordance with the laws of Ohio. Council may establish contracting procedures which may provide for, but not be limited to, which contracts must be let by competitive bidding, the amount of advertising required, when bidding may be rejected, and alterations and modifications in the contract. Competitive bid contracts may be awarded to

the best bidder, as determined by Council in its absolute discretion. Contracts for professional or expert personal services may be excluded from competitive bidding.

ARTICLE XI: MUNICIPAL ELECTIONS

SECTION 11.01 MUNICIPAL ELECTIONS

The regular election of officials for the Municipality shall be held on the first Tuesday after the first Monday of November in the odd-numbered years. The Mayor and Council may, at any time by resolution, order a special election; the purpose of which shall be set forth in the resolution.

- (A) All municipal elections shall be conducted by the Board of Elections. Such elections shall be held in conformity with the provisions of this Charter, and where this Charter is silent, the provisions of the laws of Ohio shall be followed.
- (B) The candidates, equal in number to the places to be filled, who received the highest number of votes shall be declared elected.

SECTION 11.02 RECALL

Any elected official may be removed from office by a recall election before the expiration of that official's term by the qualified voters of the Municipality. The procedures for such recall shall be that as provided by the laws of Ohio, with notice as set forth in Section 12.07 of this Charter.

SECTION 11.03 INITIATIVE AND REFERENDUM

Ordinances and resolutions may be proposed by initiative petition and adopted in the manner provided by the laws of Ohio. Ordinances and resolutions adopted by Council shall be subject to referendum in accordance with procedures established by the laws of Ohio. Petitions for initiative and referendum must contain the signature of qualified electors equal to at least twenty percent of the number of voters that voted in the last general municipal election.

SECTION 11.04 SALARY OF ELECTED OFFICIALS

The salaries of members of Council and the Mayor shall be as set by ordinance in effect at the time this Charter becomes law. The Mayor and Council may increase or decrease salaries, by ordinance, for elected officials of the Municipality. This ordinance shall be adopted by a vote of not less than two thirds of the members of Council. Any ordinance changing the salary of elected officials shall be adopted at least ninety days prior to the next regular election of the Municipality, and shall be effective on the first day of January following such election.

ARTICLE XII: GENERAL PROVISIONS

SECTION 12.01 OATH OF OFFICE

Every elected, appointed, management and public safety official of the Municipality shall take and subscribe to the following oath or affirmation:

"I (name) solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, the Charter and Ordinances of the Village of Georgetown, and will obey the laws thereof and will faithfully, honestly and impartially discharge the duties of (position) upon which I am about to enter."

SECTION 12.02 CONFLICT OF INTEREST

The laws of Ohio pertaining to conflicts of interests of Municipal officials in legislation, matters, contracts and the expenditures of money on behalf of the Municipality shall apply to the officials of the Municipality.

SECTION 12.03 AMENDMENT TO CHARTER

Any provision of this Charter may be amended as provided in the Ohio Constitution, by submission of a proposed amendment to the voters of the Municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a two-thirds vote of Council, or by petition to Council signed by thirty percent of the voters that voted in the last regular Municipal election.

SECTION 12.04 REVIEW OF CHARTER

At least once every ten years, the Council shall advertise for and appoint seven qualified electors of the Municipality as members of a Charter Review Commission. Such Commission shall review this Charter of the Municipality, and within eighteen months after such appointment, recommend to Council any alterations, revisions, and amendments. The Council shall submit to the electors any such proposed alterations, revisions, or amendments in accordance with Ohio law. The members appointed to the Charter Review Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

SECTION 12.05 SAVING CLAUSE

The decision by a court that any part of this Charter is invalid, shall not invalidate or impair the force of any other part hereof, except that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 12.06 DISPOSAL OF PROPERTY

Upon two-thirds vote of Council, any personal property not needed for any Municipal use may be disposed of in such manner as determined by Council. Real property will be disposed of in such a manner as established by the laws of Ohio. No utility owned by the Municipality shall ever be sold without first submitting the question of such sale to the electors for approval. If a majority of the electors voting, vote in favor of selling such utility, the Council may proceed with the sale.

SECTION 12.07 PUBLIC NOTICE

Public notice of all meetings, publication of ordinances, and any other required public notice shall be in accordance with the laws of Ohio and by such means in addition to the laws of Ohio as Council may determine by ordinance.

ARTICLE XIII: TRANSITIONAL PROVISIONS

SECTION 13.01 SUCCESSION

The Municipality of Georgetown under this Charter, is hereby declared to be the legal successor of the Village of Georgetown under the laws of Ohio, and as such, it has title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessor and or any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to January 1, 2021, shall continue in full force and effect.

SECTION 13.02 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS

The adoption of this Charter shall not affect any preexisting rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as a contrary intent appears herein, all acts of the Council or the Mayor of the Municipality, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until lawfully amended or repealed.

No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof.

SECTION 13.03 EFFECTIVE DATE OF CHARTER

This Charter shall be submitted to the electors of the Village of Georgetown at the general election held on November 3, 2020, and if approved shall take effect on January 1, 2021.

SECTION 13.04 TRANSITION PROVISIONS

For the purpose of providing an equitable transition for the provisions of this Charter, the following provisions shall be observed:

- (A) The Mayor shall continue to serve the remainder of this term which ends December 31, 2023.
- (B) To bring it about that the four-year terms of Council members will have three expiring on December 31, 2023 and three expiring on December 31, 2025; in the regular municipal election of November, 2021, the three persons receiving the most votes for Council shall be elected to four-year terms expiring on December 31, 2025 and the person receiving the fourth-largest number of votes for Council in the regular

municipal election of November, 2021 shall be elected to a two-year term expiring on December 31, 2023.

SECTION 13.05 CONTINUATION OF PRESENT OFFICIALS AND EMPLOYEES

Any board, committee, commission or agency in existence at the time this Charter takes effect and which is not abolished by this Charter, shall continue in existence, along with its existing rules and regulations, until modified or terminated in accordance with the procedures in Section 9.01 in this Charter.

All persons employed at the time this Charter takes effect, shall continue in their office, position or employment and in performance of their duties unless and until provisions shall have been made otherwise in accordance with this Charter for the performance or discontinuance of the duties of any such office, position or employment. When such provision shall have been made, the term of any officer shall expire and the office shall be abolished, and the tenure of the employee will end.

Every employee of the Municipal government on the effective date of this Charter shall thereafter be subject in all respects to the provisions of this Charter.

SECTION 13.06 CONTINUANCE OF OFFICES AND DEPARTMENTS

In addition to the administrative offices and departments specifically established and created under this Charter, the administrative offices, departments, divisions, bureaus, and other sub-units existing under the laws of Ohio and ordinances and resolutions of the Municipality on the effective date of this Charter shall continue, with their existing powers and duties, until they are abolished, merged, combined or otherwise altered or reorganized by Council.